IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1993 OF 2006

Chandrakant Pundalik Sawant and Ors... Petitioners

Vs.

The State of Maharashtra and Ors. ... Respondents

Mr. S.G. Surana for Petitioner.

Mr. V. Phal, A.G.P. for R. No. 1.

Mr.D.H. Mehta with Mr. V. Mahadik for R. No. 2.

Mr. J. Reis with Mr. Y.M. Chaudhari for R. Nos. 3 and 4.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: AUGUST 28, 2006

P.C.:

. It is the case of the Petitioners that pursuant to the directions issued by the Corporation, they are entitled to the same benefits as the consenting members. The learned counsel points out that the Corporation issued directions to the society to treat the Petitioners as consenting members.

. The record would show that the Petitioners herein had opposed the development. The developer in respect of those who had consented had agreed to give them additional area more than that as proved under the D.C. Regulation. The I.O.D. dated 7.3.2005, under Clause (2), contemplates the area in terms of D.C. Regulations. Clause 30 provides that

the tenants who have not become members, will be subject to those directions. Admittedly till date whatever dispute may be, the Petitioners are not the members of the society.

. If it is the contention of the Petitioner that they are also entitled to the same benefits like the consenting members, in our opinion, it would be open to the Petitioners to take such other steps in law to which they are entitled to. The extra ordinary jurisdiction of this court will not be available to such petitioners who had stalled the development process for such long time.

. With the above observations, petition disposed of.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**